

DECISION

11746 *Signal Proc II*
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-195325

DATE: October 23, 1979

MATTER OF: East Bay Auto Supply, Inc. - *DLC 03127*

[Protest of Solicitation Requirement in Air Force Contract]
DIGEST:

1. Solicitation requirement that automotive parts store be operated at two locations appears to be reasonable in view of projected increase in user's workload.
2. Protester has not shown that agency acted unreasonably in refusing to divide into separate bid items the operation of two automotive parts stores on the same military base.

East Bay Auto Supply Inc., (East Bay) protests the proposed award of a contract under invitation for bids (IFB) F26600-79-B0021, for on-base Contractor Operated Automotive Parts Stores (COPARS) in two *AGC 00310* locations: at the main base, Nellis Air Force Base, Nevada, and in Area II thereof to support a civil engineering unit (Red Horse). East Bay protests the establishment of the Red Horse store on the grounds that the Government does not need this satellite COPARS and even if there is a need, the cost will be excessive. Additionally, East Bay contends that the two stores should be broken out as different items on the IFB Schedule so that they could be bid upon separately. For the reasons stated below, the protest is denied.

In the past, the policy at Nellis was to operate only one store at the main base and fill requirements of Red Horse from there. East Bay states that during the preceding 12 months there were only four transactions for Red Horse per eight hours of store operation. East Bay contends that this supports its position that a separate COPARS is not needed at Red Horse.

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However, the Air Force advises that the projected mission and vehicle usage at Red Horse will not be the same as in prior years. The Deputy Commander of the Red Horse civil engineering squadron has stated that there will be a substantial increase in parts requirements because of future projects as well as a vehicle upgrade program for the unit's fleet. Additionally, he stated that reliable equipment is absolutely essential to the effective accomplishment of the unit's mission; that Red Horse was assigned equipment that was old and that the obtaining of replacement parts has been a lengthy process. Further, there is a projected increase of 60 percent in requirements as there will be an increase from 8 projects in Fiscal Year (FY) 79 to 18 projects in FY 80.


The determination of the needs of the Government and the methods of accommodating such needs is primarily the responsibility of the contracting agencies of the Government. 38 Comp. Gen. 190 (1958). We recognize that Government procurement officials, who are familiar with the conditions under which supplies, equipment and services have been used in the past, and how they are to be used in the future, are generally in the best position to know the Government's actual needs, and therefore, are best able to draft appropriate specifications. Thus we have held that the Government cannot be placed in the position of allowing bidders to dictate specifications which would not meet the considered needs of the procurement agency. Particle Data, Inc.; Coulter Electronics, Inc., B-179762, B-178718, May 15, 1974, 74-1 CPD 257. Consequently, we will not question an agency's determination of what its actual minimum needs are unless there is a clear showing that the determination has no reasonable basis. Maremont Corporation, 55 Comp. Gen. 1362, 1376 (1976), 76-2 CPD 181.

Based on the record before us, we cannot find unreasonable the agency's determination that there was a need for the establishment of a COPARS at Red Horse to service the projected increased workload at that activity.

East Bay also contends that the two stores should be reflected as different items of the IFB upon which separate bids could be made so "that the prime users of this contract * * * would still receive the high discounts similar to the ones of the present contract, and the smaller user who has requested the separate store pay for that service." However, the contracting officer disagrees, for the reason that "Listing the second store as a separate bid item in the IFB would result in unfair pricing to the Government by imposing a penalty on the Red Horse activity in forcing that activity to pay higher prices for parts than the users of the main base store."

It is for the contracting agency to determine whether to procure these services as a total package rather than as individual items and that determination will not be disturbed unless it is shown to lack a reasonable basis. We believe the contracting officer's view has merit and that the agency acted reasonably in not dividing the work into separate bid items.

The protest is denied.



For The Comptroller General
of the United States